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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE DISTRICT OF ARIZONA

12 IN RE: BARD IVC FILTERS
13 PRODUCTS LIABILITY LITIGATION

Case No: 2:15-MD-02641-DGC

15 This Document Related to Plaintiffs:
16 CHRISTIAN LEIGH GATES

Civil Case No: 2:16-cv-02220-DGC

18 **SECOND AMENDED MASTER**
19 **SHORT FORM COMPLAINT FORM**
20 **COMPLAINT FOR DAMAGES FOR**
21 **INDIVIDUAL CLAIMS AND**
22 **DEMAND FOR JURY TRIAL**

22 Plaintiff(s) named below, for their Complaint against Defendants named below,
23 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

24 Plaintiff(s) further show the Court as follows:

25 1. Plaintiff/Deceased Party:

26 CHRISTIAN LEIGH GATES
27
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- 1 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
2 consortium claim:

3 N/A

- 4 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
5 conservator):

6 N/A

- 7 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
8 at the time of implant:

9 Florida

- 10 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
11 at the time of injury:

12 Florida

- 13 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

14 Florida

- 15 7. District Court and Division in which venue would be proper absent direct
16 filing:

17 United States District Court for the Southern District of Florida

- 18 8. Defendants (check Defendants against whom Complaint is made):

19 X C.R. Bard Inc.

20 X Bard Peripheral Vascular, Inc.

- 21 9. Basis of Jurisdiction:

22 X Diversity of Citizenship

1 ☐ Other: _____

2 a. Other allegations of jurisdiction and venue not expressed in Master
3 Complaint:
4

5 _____
6 _____
7 _____
8

9 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making
10 a claim (Check applicable Inferior Vena Cava Filter(s)):

11 ☐ Recovery[®] Vena Cava Filter

12 **X G2[®] Vena Cava Filter**

13 ☐ G2[®] Express Vena Cava Filter

14 ☐ G2[®] X Vena Cava Filter

15 ☒ Eclipse[®] Vena Cava Filter

16 ☐ Meridian[®] Vena Cava Filter

17 ☐ Denali[®] Vena Cava Filter

18 ☐ Other: _____

19 21. Date of Implantation as to each product:
20

21 _____ 06/07/2010 _____
22

23 24. Counts in the Master Complaint brought by Plaintiff(s):
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25 **X Count I: Strict Products Liability – Manufacturing Defect**

26 **X Count II: Strict Products Liability – Information Defect (Failure**
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to Warn)

- ☒ Count III: Strict Products Liability – Design Defect
- ☒ Count IV: Negligence - Design
- ☒ Count V: Negligence - Manufacture
- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Florida Law Prohibiting
Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts
supporting this Count in the space immediately below)

1 13. Jury Trial demanded for all issues so triable?

2 X Yes

3 □ No

4
5 RESPECTFULLY SUBMITTED this 5th day of October, 2017.

6 BABBITT & JOHNSON, P.A.

7
8 By: /s/ Joseph R. Johnson

9 Joseph R. Johnson

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